

**Notice of Allowability**

Application No.

10/757,680

Examiner

Kathleen Sonnett

Applicant(s)

MORRIS ET AL.

Art Unit

3731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/7/2007.
2. ☒ The allowed claim(s) is/are 1,2,4-19,21-40,42-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

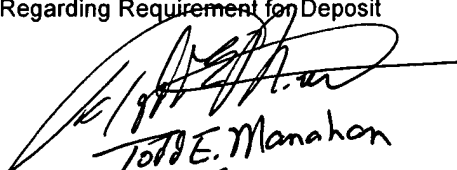
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Todd E. Manahan  
SPE 3731

KCS

### **EXAMINER'S AMENDMENT**

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

During a telephone conversation conducted on 1/9/2008, Mr. Robert Kain requested an extension of time for 1 additional MONTH(S) and authorized the Director to charge Deposit Account No. 03-1231 the required fee of \$295.00 for this extension since the fee for a 2 month extension has already been paid.

The application has been amended as follows:

Authorization for this examiner's amendment was given in a telephone interview with Mr. Kain on 1/9/2008.

In claim 4, line 1, please delete "4" and insert --1--.

In claims 2, 4-15, 17, 19, 21-31, 33-38, 40, 42-52, at the beginning of each claim, please delete "The proximal actuator according to" and insert --The proximal actuator in combination with an actuation sleeve and a medical device according to--.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance: the closest prior art of Mosior (US 4,084,594) in view of Darrey (US 3,609,638) will be discussed. Mosior discloses a proximal actuator in combination with a medical device and an actuation sleeve. The proximal end of the actuation sleeve is divided into a first section (17) and a second section (16a) and a wire or tube member (15) is movably retained in the sleeve but fixed to the second section of the sleeve, wherein longitudinal movement of the sleeve relative to the wire or tube member

operates the medical device at the distal end of the sleeve. The actuator comprises an actuator body operatively mounted to the proximal end of the sleeve and a medical device is operatively mounted to the distal end of the sleeve. The actuator body has two retaining devices (27, 24), one being movably mounted (24). The first retaining device is laterally removably attached and Mosior discloses that the first retaining device (27) is a laterally openable clip but fails to disclose that the second retaining device is also a laterally openable clip. Darrey teaches that using two laterally openable clips are well known for use in clamping assemblies. These laterally openable clips are spring clips. Such clips are advantageous because they can be quickly adjusted without the use of special tools and at the same time have a tight hold on the object that is being clamped (col. 3 ll. 1-3) and would have been an obvious modification to one skilled in the art. Mosior in view of Darrey fail to disclose or fairly suggest an actuator body that has a sleeve defining an aperture wherein the first retaining device is affixed to the sleeve and a sliding member including a first and second end wherein the first end of the sliding member is positionable through the aperture of the sleeve.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen Sonnett whose telephone number is 571-272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCS 1/9/2008